

REMARKS/ARGUMENTS

Reconsideration of this application and entry of this Amendment are solicited. Claims 9-14 and 26-30 remain pending in the application. Of these, claims 9-11 are directed to elected subject matter, the remaining claims being withdrawn from consideration.

The outstanding Official Action, a Final Rejection, raises two issues. The first deals with written description requirements under 35 USC §112, first paragraph and the second deals with obviousness-type double patenting. The prior art-based rejections have been withdrawn.

Following the examiner's comments in item 2 of the Official Action in which it is noted that the specification contains a description of the (2S,3R)-stereoisomer for instance at pages 16-17 of the specification, claim 9 is amended to be directed to the (2S,3R) stereoisomer. This Amendment responds to and resolves the issues presented in items 2 and 6 of the Official Action.

The specification has amended consistent with the amendments made to claim 9 by deleting the paragraph at page 41, lines 6-11.

Claims 9-11 are also the subject of a non-statutory obviousness-type double patenting rejection over claims 1-2 of U.S. patent 6,787,657. This rejection has not been previously addressed on the merits.

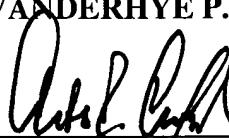
In formula (3) as defined in claim 9, R¹ does not include an F- or Cl- substituted phenol group. The compounds thus falling within the present invention are distinct from those defined in claims 1 and 2 of the '657 patent and this rejection should be withdrawn.

It is believed that this Amendment places claims 9-11 in condition for allowance. If this is not the case or the examiner requires further information or claim adjustments, kindly contact the undersigned. Reconsideration, entry of this Amendment and allowance are solicited.

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Respectfully submitted,

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